

United States Senate

WASHINGTON, DC 20510

March 29, 2005

Hon. Donald Rumsfeld
United States Secretary of Defense
U.S. Department of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

Dear Secretary Rumsfeld:

I write to express my concern that men and women on active military duty are being taken advantage of by unscrupulous creditors who are blithely violating the provisions of the Servicemembers Civil Relief Act, which President Bush signed into law in the last Congress.

As reported recently, notwithstanding the Act's protections of military families against foreclosures, evictions and other dire financial consequences on account of their military commitments, a number of soldiers, national guardsmen, and their families have been victimized. Among other things, military servicemembers have suffered unlawful repossession of their vehicles, illegal default judgments, and wrongful attempts at foreclosure on their homes.

The Servicemembers Civil Relief Act was intended by Congress and the President to provide for and strengthen the national defense by protecting those who protect us, namely, the hundreds of thousands of American men and women risking their lives on active duty. Clearly, at a time of war, our nation's soldiers should not be doing battle with greedy creditors.

A large part of the problem, it seems, is that soldiers are not being properly advised of their rights, and many go off to war unaware that they and their families can prevent forfeitures, repossessions, and default judgments while serving their country on active duty. Our soldiers deserve to be armed not only with the best weapons but also with knowledge about their legal rights.

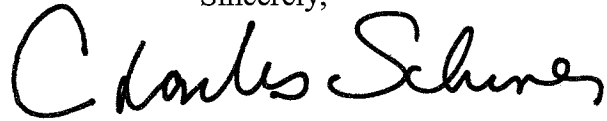
Therefore, I urge you to immediately adopt a standard, service-wide system of notification that clearly advises all military personnel called up for active duty of the legal rights afforded them under the Servicemembers Civil Relief Act. In addition, I urge you to appoint an official overseer to be responsible for assisting soldiers who are being victimized by creditors acting unlawfully.

All Americans called up for active duty – whether from the Marines, reserves, or National Guard – should receive a simple, plain-English advisory of (1) the existence of the Act; (2) their rights under it; (3) their dependent family members' rights under it; (4) their entitlement to remedies and damages upon a violation of the rights protected by the Act; and (5) the name and number of the official designated to assist soldiers in vindicating their rights. There appears to be

no reason why such an advisory should not be as standard-issue as military boots.

I hope that you can help us to better protect our armed forces from abuse by creditors. I look forward to your prompt response to these concerns.

Sincerely,

A handwritten signature in black ink that reads "Charles Schumer". The signature is written in a cursive style with a large, looping "C" at the beginning.

Charles E. Schumer
United States Senator